

1940 Supplement
To
Mason's Minnesota Statutes
1927

(1927 to 1940)
(Superseding Mason's 1931, 1934, 1936 and 1938
Supplements)

Containing the text of the acts of the 1929, 1931, 1933, 1935, 1937 and 1939 General Sessions, and the 1933-34, 1935-36, 1936 and 1937 Special Sessions of the Legislature, both new and amendatory, and notes showing repeals, together with annotations from the various courts, state and federal, and the opinions of the Attorney General, construing the constitution, statutes, charters and court rules of Minnesota together with digest of all common law decisions.



Edited by
William H. Mason
Assisted by
The Publisher's Editorial Staff

MASON PUBLISHING CO.
SAINT PAUL, MINNESOTA
1940

(b) Within ten days after the conviction or forfeiture of bail of a person upon a charge of violating any provision of this act or other law, or city or village ordinance, regulating the operation of vehicles on highways every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the department an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct.

(c) Said abstract must be made upon a form furnished by the department and shall include the name and address of the party charged, the driver's license number or chauffeur's license number of the person involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

(d) Every court of record shall also forward a like report to the department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

(e) The failure, refusal or neglect of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal therefrom. (Apr. 26, 1937, c. 464, §140.)

Similar provisions of former law, see §2720-64.

ARTICLE XIX

EFFECT OF AND SHORT TITLE OF ACT

2720-291. Effect and interpretation of law.—(a) This act shall be so interpreted and construed as to ef-

fectuate its general purpose to make uniform the law of those states which enact it.

(b) In all civil actions, a violation of any of the provisions of this act by either or any of the parties to such action or actions shall not be negligence per se but shall be prima facie evidence of negligence only. (Apr. 26, 1937, c. 464, §141; Apr. 22, 1939, c. 430, §30.)

Similar provision of former law, see §2720-65.

2720-202. Highway traffic regulation act.—This act may be cited as the Highway Traffic Regulation Act. (Apr. 26, 1937, c. 464, §142.)

2720-203. Provisions severable.—If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act. The legislature hereby declares it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional. (Apr. 26, 1937, c. 464, §143.)

Similar provisions of former law, see §2720-67.

2720-204. Laws and inconsistent acts repealed.—Laws 1925, Chapter 336, Section 8; Laws 1927, Chapter 412; Laws 1929, Chapters 158, 390 and 407; Laws 1931, Chapters 128 and 402; Laws 1933, Chapters 225 and 252; Laws 1935, Chapters 224 and 389, are hereby repealed; and all other acts and parts of acts inconsistent with the provisions of this act are hereby repealed to the extent of such inconsistency. (Apr. 26, 1937, c. 464, §144.)

CHAPTER 13A

Vessels Navigating Lakes and Rivers

MOTOR BOATS

2740-1. Definition.—The words "motor boat" where used in this act shall include every vessel propelled by machinery, except tug and/or tow boats propelled by steam and operated upon any lakes or streams of this state, except lakes and streams situated in whole or in part north of the north line of township 52 as the same extends due west across the state and excepting likewise all waters constituting the boundary between the State of Minnesota and any other state. (Act Mar. 26, 1931, c. 88, §1.)

2740-2. Speed of motor boats.—No motor boat under the provisions of this chapter shall be operated at a speed greater than is reasonable and proper having due regard to the safety of other boats and persons. (Act Mar. 26, 1931, c. 88, §2.)

2740-3. Must have mufflers.—Every motor boat under the provisions of this chapter propelled by an internal combustion engine shall at all times be so equipped as to completely and effectually "muffle" and silence the sound of the explosions of such engine by diverting its exhaust under water, or otherwise. It shall be unlawful to operate any such motor boat so propelled by an internal combustion engine with the muffler or cut-out open on any navigable or public waters in this state other than international waters, waters constituting the boundary between the State of Minnesota and any other state, except while such motor boat is actually competing in a race licensed to be held pursuant to section 4 [§2740-4] hereof. (Act Mar. 26, 1931, c. 88, §3.)

2740-4. Mufflers may be open in races.—Such motor boats may be operated with mufflers or cut-outs open while actually competing in any race

licensed to be held by the council or other governing body of the city, village, or town adjacent or nearest to that portion of the body of water on which such race is to be held. (Act Mar. 26, 1931, c. 88, §4.)

2740-5. Owner to report accidents.—Within 48 hours after a motor boat meets with an accident involving personal injury or loss of life, it shall be the duty of the owner or the person in charge of such motor boat to prepare a written report, setting forth the details of the casualty, which report shall be forwarded by mail or otherwise to the sheriff of the county in which the accident occurred. (Act Mar. 26, 1931, c. 88, §5.)

2740-6. Inconsistent acts repealed.—All prior acts or parts of prior acts inconsistent with the provisions of this act are hereby repealed. (Act Mar. 26, 1931, c. 88, §6.)

2740-7. Violation—penalties.—Any person who violates any section of this act shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or imprisonment not exceeding thirty days, or both. (Act Mar. 26, 1931, c. 88, §7.)

2740-8. Effective July 1, 1931.—This act shall take effect and be in force from and after July 1st, 1931. (Act Mar. 26, 1931, c. 88, §8.)

INSPECTION AND LICENSING

2740-11. Intercounty commission; powers.—The County Boards of Commissioners of any counties, which counties are contiguous to or have within their borders an inland lake having a water area of at least 250 square miles may by joint action

establish a Commission to be composed of the members of such county boards, which Commission shall be authorized to license and regulate boats in the manner hereinafter described. Wherever the word "Commission" is used in this act it shall mean the Commission so established. (July 16, 1937, Sp. Ses., c. 80, §1.)

County boards can set up a commission by joint action only. Op. Atty. Gen. (34g-2), Feb. 9, 1938.

2740-12. Commission to enforce act—rules and regulations.—The Commission is hereby authorized and empowered, and it shall be its duty, to carry out the provisions of this act, and it shall have the power and authority to make such rules and regulations as it may deem necessary to carry out the purposes of this act. (July 16, 1937, Sp. Ses., c. 80, §2.)

2740-13. Inspectors.—The Commission shall appoint such inspectors as may be necessary for the purposes of enforcing this act and shall fix the compensation therefor. (July 16, 1937, Sp. Ses., c. 80, §3.)

2740-14. License to operate boats.—Any person, co-partnership, corporation and association having in his or its possession, as owner or otherwise, any boat used in the carrying of five passengers or more for hire, or for the purpose of rental or for use by others than the owner thereof on any inland lake having a water area of at least two hundred and fifty square miles, shall, on or before the 10th day of April, 1938, and annually thereafter, procure from the Commission a license before using any such boat for the purposes herein stated. (July 16, 1937, Sp. Ses., c. 80, §4.)

Boats coming within this act must procure license from commission, though they are also examined and charged an inspection fee by the boiler inspector under §5481. Op. Atty. Gen. (34g-2), Feb. 9, 1938.

Commission determines which county treasury shall carry "boat inspection fund." Op. Atty. Gen. (34g-2), Feb. 9, 1938.

2740-15. Application for license.—Before any license is issued by the Commission it shall require the ap-

pllicant therefor to make and file an application, in writing, showing the number of boats owned or controlled by the applicant, the size thereof, the owner's name and address, and such other information that the Commission may require. The owner of any boat transported to any inland lake for the uses stated in this act shall make application to the Commission in writing and must secure permission before such boat can be used. All applications shall designate the lake or lakes on which said boat or boats are to be used. (July 16, 1937, Sp. Ses., c. 80, §5.)

2740-16. Rules and regulations for operation of boats.—The Commission shall make rules and regulations regulating the operation of all such boats and shall designate the number of persons that each of such boats shall be permitted to carry, and when so determined the Commission shall cause such capacity to be plainly marked on each licensed boat. Should any boat carry more than the designated number of persons, the Commission shall revoke the license issued for such boat. (July 16, 1937, Sp. Ses., c. 80, §6.)

2740-17. License fee.—The Commission shall determine the license fee and shall pay all monies received for such licenses into the county treasury and the county treasurer shall credit such monies to the "Boat Inspection Fund" for the use of the Commission in carrying out the provisions of this act. (July 16, 1937, Sp. Ses., c. 80, §7.)

2740-18. Offense.—Any persons, co-partnership, corporation or association who shall let, lease or carry five passengers or more in any boat without first procuring a license as herein provided for, or who shall violate any rule or regulation of the Commission or any provision of this act shall be guilty of a misdemeanor. (July 16, 1937, Sp. Ses., c. 80, §8.)

2740-19. Effective date.—This act shall become effective on January 1, 1938. (July 16, 1937, Sp. Ses., c. 80, §9.)

CHAPTER 14 Education

2741. Public schools—Tuition free—Age of pupils.

Interim committee to study educational situation in state. Laws 1939, c. 331.

Maintenance of public school system is a matter of state and not of local concern. State v. Erickson, 190M 216, 251NW519. See Dun. Dig. 8662, 8669.

Children of an orphanage have legal right to attend school without payment of tuition. Op. Atty. Gen., Apr. 17, 1933.

Hiring of unqualified teacher does not deprive school of its public nature, but does deprive school of right to apportionment aid while such teacher is employed. Op. Atty. Gen. (8b), Oct. 6, 1937.

Dependent children placed in homes in school districts are entitled to tuition and transportation from those districts. Op. Atty. Gen. (169g), Oct. 28, 1937.

Board cannot detach federal land from district, though no taxes are received by district from such land. Op. Atty. Gen. (180d), Jan. 17, 1938.

Board may exclude pupils for immoral conduct where morals of other pupils are endangered, but such danger must be real and in fact exist. Op. Atty. Gen. (169i), Feb. 10, 1938.

Residents of Camp Ripley may vote at town and school elections, and children living thereon are entitled to same treatment as other pupils with respect to transportation. Op. Atty. Gen. (490k), June 1, 1938.

Board of a common school district may pay transportation and tuition of kindergarten pupils over five years of age to an independent district where no class is maintained for them in their own district. Op. Atty. Gen. (169k), April 28, 1939.

2742. School districts.

Board of education of city of Duluth is not a department of city, and it is no part of official duties of city attorney to act for board, and board has power to retain an attorney and pay him upon a continuing monthly basis, and also has power to authorize employees to attend conventions. Lindquist v. A., 196M233, 265NW54. See Dun. Dig. 6586.

School districts are governmental agencies subject to control of the legislature, and their powers and privileges may be changed or abrogated by legislature, their boundaries may be enlarged, diminished, or abolished, and they are quasi municipal corporations, coordinate with and not subordinate to counties in which they are situated. McSherry v. C., 202M102, 277NW541. See Dun. Dig. 8662.

School districts are governmental agencies established by legislative authority to perform duties of educating children, and legislature may clothe them with such powers as it deems wise and regulate manner of exercise thereof. State v. School Dist. No. 70, 204M279, 283NW 397. See Dun. Dig. 8662.

Laws 1933, c. 356, relating to taxation of agricultural lands, is not applicable to special school districts. Op. Atty. Gen., July 17, 1933.

2743. Formation of districts.

Corporate organization of certain special school districts in cities of fourth class under home rule charters and bonds issued thereby legalized. Laws 1939, c. 98.

Where independent school district sells all school buildings located in village within district, freeholders of village may vote or petition county board to make the village a district separate from the independent district, and no vote of electors of independent district are necessary. Op. Atty. Gen. (166c-3), Sept. 7, 1934.

Indians owning tribal allotment lands are not qualified to petition for formation of school district. Op. Atty. Gen. (240w), July 7, 1936.

2744. Petition.

Op. Atty. Gen., June 16, 1932; note under §2753.

2745. Notice of hearing.

Op. Atty. Gen., June 16, 1932; note under §2753.

2747. Appeal from order.

Determination of board in granting or rejecting petition will not be disturbed by the courts unless based